

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF PROPOSED RULEMAKING**

The State Superintendent of Education, pursuant to the authority set forth in Section 501 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code §38-272.05) (2009 Supp.); Section 2(e)(2) of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, effective February 6, 2010 (Pre-k Acceleration and Clarification Act) (D.C. Act 18-307; D.C. Official Code §38-272.03(e)(2)), including any temporary and permanent versions of this act; and Mayor's Order 2009-44 (March 27, 2009) hereby gives notice of her intent to adopt the proposed rules set forth in this notice as final in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. The proposed rules will also be submitted to the Council of the District of Columbia for a forty-five (45) day review period or Council approval before final adoption, pursuant to the Pre-k Acceleration and Clarification Act (including any additional temporary and permanent legislation).

The proposed rules will establish a new Chapter 34 in Subtitle A of Title 5 of the District of Columbia Municipal Regulations (DCMR). The rules will establish a Pre-k Enhancement and Expansion Program Assistance Grants (PAG) program to be administered by the Office of the State Superintendent of Education. The purpose of the grant program is to facilitate the release of pre-k program assistance grant funds into the community to enhance education of pre-k children in the District of Columbia. These grants will enable the expansion of pre-k education and broader access to high quality early education programs, as well as implementation of longer term educational goals. Further information about PAGs including grant applications is available on the OSSE website at [osse.dc.gov](http://osse.dc.gov).

Title 5 Subtitle A of the DCMR is amended by adding a new chapter 34 to read as follows:

**CHAPTER 34 PRE-K ENHANCEMENT AND EXPANSION PROGRAM  
ASSISTANCE GRANTS****A-3400 PRE-K ASSISTANCE GRANTS**

- A-3400.1 This chapter is promulgated pursuant to the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code §38-271.01 *et seq.*) and the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, effective February 6, 2010 (D.C. Act 18-307; D.C. Official Code §38-272.03), including any temporary and permanent versions of this act.

- A-3400.2 The Program Assistance Grant (PAG) program shall be funded through one or more of the following sources:
- (a) Local funding;
  - (b) Federal funding; and
  - (c) Other public or private funding sources.
- A-3400.3 A PAG shall assist eligible District of Columbia programs serving pre-k age children to achieve or maintain the High Quality Standards and Program Requirements contained in the District of Columbia Pre-k Operating Guidelines (the “HQ Standards”).
- A-3400.4 To be eligible for a PAG, an applicant must:
- (a) Be:
    - (1) A District of Columbia public school;
    - (2) A District of Columbia public charter school; or
    - (3) A community based organization;
  - (b) Operate in the District of Columbia a pre-k education service;
  - (c) Serve children of one (1) or more of the following ages:
    - (1) Three (3) years of age on or before September 30 of the academic year for which the child is being enrolled;
    - (2) Four (4) years of age; or
    - (3) Five (5) years of age after September 30;
  - (d) Submit an audited financial statement or an audit report based upon the then-current U.S. Office of Management and Budget Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”; and
  - (e) Demonstrate the ability to sustain beyond the receipt of grant funding, the delivery of services meeting the HQ Standards.
- A-3400.5 The maximum PAG funding for each grant cycle shall be specified in the request for funding application.

**A-3401 PAG APPLICATION REQUIREMENTS**

- A-3401.1 Only a designated official of a local education agency may submit a PAG application on behalf of an applicant school.
- A-3401.2 The OSSE shall date and time stamp each application upon receipt.
- A-3401.3 An applicant may not submit more than one (1) application in a grant funding cycle.
- A-3401.4 The program narrative in each application shall include specific information describing the program's purpose, scope, objectives, and intended impact.
- A-3401.5 A PAG application shall provide justification for all proposed grant expenditures related to the PAG award.
- A-3401.6 All required documentation shall be included with the application. An incomplete application shall be disqualified and will not be reviewed.
- A-3401.7 Each application shall demonstrate compliance with all requirements specified by the request for funding application.
- A-3401.8 The PAG awards for each grant cycle shall be announced by OSSE within thirty (30) calendar days after the grant application closing date.
- A-3401.9 OSSE shall notify each applicant in writing as to the approval or denial of an application within thirty (30) calendar days after the grant application closing date.
- A-3401.10 Each PAG grant shall be awarded for a period of two (2) calendar years from the date of the award or as otherwise specified.

**A-3402 REQUIREMENTS TO RECEIVE A SECOND PAG GRANT**

- A-3402.1 To be eligible for a new PAG in a subsequent grant cycle, a school that previously received a PAG grant (a "PAG recipient") must:
- (a) Meet all requirements in this chapter; and
  - (b) Complete successfully the objectives stated in the most recent PAG application awarded to the applicant.
- A-3402.2 A PAG application submitted by a PAG recipient shall be considered only after a final determination has been made on all first-time PAG applications in a grant cycle and only if grant funds are available.

A-3402.3 As part of a new PAG application, a PAG recipient shall include information that demonstrates its effective use of the prior PAG funding to achieve or maintain HQ Standards.

A-3402.4 A PAG recipient may not apply in a subsequent grant cycle for additional grant funding for the same project for which it was previously awarded PAG funding.

**A-3403 PAG FUNDS AND OPERATIONS**

A-3403.1 PAG funds shall be used for pre-k quality improvement efforts as they relate to the HQ Standards.

A-3403.2 Allowable PAG expenditures include, but are not limited to, the following:

- (a) Accreditation fees;
- (b) Instructional support and materials;
- (c) Age-appropriate approved curriculum and related training;
- (d) Capital facilities improvements in an amount not to exceed twenty five percent (25%) of the total grant award; and
- (e) Development of family engagement programs, including, but not limited, to expenses for monthly meetings, publication costs for parent directories, and consultant fees for parent trainings.

A-3403.3 PAG funds shall be used to build long-term programmatic viability and shall not be used to fund a project that would not be sustainable without PAG funding.

A-3403.4 A PAG may be terminated in whole or in part by OSSE at any time if OSSE determines that the PAG recipient has:

- (a) Substantially failed to comply with, or meet the objectives and terms of, the grant award; or
- (b) Failed to comply with applicable federal or District of Columbia laws or regulations.

A-3403.5 The OSSE shall provide a written notice of termination.

**A-3404 ACCOUNTABILITY AND REPORTING REQUIREMENTS**

A-3404.1 A PAG recipient shall submit written quarterly reports, due no later than ten (10) business days after the end of each quarter during the grant period, and a final report, due no later than fifteen (15) business days after the end of the grant award period. Reports must include the following documents:

- (a) The grant project manager's report cover sheet;
- (b) A "Grant Project Specific Measurable Objectives and Outcomes Report";
- (c) A calendar of activities for the current report period;
- (d) A calendar of activities for the next report period;
- (e) A list of equipment that was purchased or leased with PAG funds, along with supporting documentation;
- (f) Copies of invoices for all purchases or other expenditures made with PAG funds;
- (g) A financial statement for the reporting period;
- (h) Parent newsletters, brochures, and newspaper articles about the pre-k program or grant recipient, if any; and
- (i) The annual report published during the report period, if any.

A-3404.2 A PAG recipient shall:

- (a) Obtain approval from OSSE before expending PAG funds for a purpose that was not included in the original approved budget;
- (b) Submit a written request and a modified budget for any proposed modifications related to the grant award;
- (c) Maintain accurate and complete records of all activities supported by the grant for five (5) years after the end of the grant period;
- (d) Maintain records that document initial and periodic assessments, initial and periodic plans, and the ongoing progress of program activities; and
- (e) Ensure confidentiality and prevent unauthorized access to records. Programs shall maintain all records, including required reports, documents and files on-site, in a properly secured cabinet or location. Records shall be accessed by authorized personnel only.

A-3404.3 OSSE shall monitor a PAG recipient throughout the grant period. OSSE's monitoring may include scheduled and unscheduled visits to the PAG recipient's facility or principal place of business.

A-3404.4 A PAG recipient shall fully cooperate with authorized representatives of the Government of the District of Columbia, including OSSE, and shall provide them access to facilities, staff, and records related to the grant upon request.

#### **A-3499 DEFINITIONS**

For the purposes of this chapter, the following terms shall have the meanings ascribed:

"Accreditation" - approval by a nationally recognized accrediting body or other body satisfying similar standards as approved by OSSE.

"Approved curriculum" – "The Creative Curriculum, Scholastic's Building Language for Literacy or Early Childhood Programs, High/Scope, Core Knowledge", "Opening the World of Learning (OWL)", "Houghton Mifflin Pre-K, Scholastic Early Childhood Workshop", or other curricula as approved by OSSE.

"Community-based organization"- Head Start or early childhood education program operated by a non-profit or faith-based organization, or organization that participates in local or federally-funded early childhood programs, including the Child Care Subsidy Program.

"HQ Standards" means the high quality standards and program requirements embodied in the District of Columbia "Program Operating Guidelines for the Pre-kindergarten Enhancement and Expansion Program", available on the OSSE website, or as updated in any subsequent regulations or legislation

"Need" - the extent to which a proposed service is required or wanted in the targeted community and target population.

"OSSE" - the District of Columbia Office of the State Superintendent of Education.

"Pre-k age children" - children who are three (3) years of age on or before September 30 of the academic year for which the child is being enrolled, four (4) years of age; or five (5) years of age after September 30.

"Pre-k education service" - education provided by the District of Columbia Public Schools, public charter schools, and community-based organizations operated by a non-profit entity, faith-based organization, or organization that participates in federally funded or District-funded early childhood programs, which provides care and education to pre-k age children.

“Program” - an education provider serving pre-k age children operating in District of Columbia Public Schools, public charter schools, and community-based organizations operated by a non-profit entity, faith-based organization, or an organization that participates in federally funded or District funded early childhood programs, including the child care subsidy program funded by the federal Child Care Development Fund.

“Target population” means the number, ages, ward of residency, and demographic profile of the participants to be served.

Persons wishing to comment on this rule should submit their comments in writing to Office of the State Superintendent of Education, 810 First Street, N.E., 9<sup>th</sup> Floor, Washington, D.C. 20002 Attn: Jessica Morffi, Title 5, Subtitle A, Chapter 34; or [Osse.publiccomment@dc.gov](mailto:Osse.publiccomment@dc.gov). All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rulemaking may be obtained from the OSSE website at [osse.dc.gov](http://osse.dc.gov) or at the above referenced location.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED RULEMAKING****GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No.3**

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to its authority under D.C. Official Code § 2-505,<sup>1</sup> hereby gives notice of its intent to act upon the proposed tariff of Washington Gas Light Company ("WGL")<sup>2</sup> in not less than thirty (30) days after the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The Rights-of-Way ("ROW") Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On March 19, 2010, pursuant to D.C. Official Code Section 10-1141.06,<sup>3</sup> WGL filed a tariff application to update the ROW Current Factor.<sup>4</sup> In the Tariff Application, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3****Section 22****3<sup>rd</sup> Revised Page 56**

3. WGL's Tariff Application shows that the ROW Current Factor is 0.0318 with the ROW Reconciliation Factor of 0.0020 for the prior period, which yields a net factor of 0.0298.<sup>5</sup> In addition, WGL expresses its intent to collect the surcharge beginning with the April 2010

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<sup>1</sup> D.C. Code § 2-505 (2001 Ed.).

<sup>2</sup> *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, ("GT00-2") Rights of Way Current Factor Surcharge Filing of Washington Gas Light Company, ("Tariff Application"), filed March 19, 2010.

<sup>3</sup> D.C. Code § 10-1141.06 (2001 Ed.) stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

<sup>4</sup> *GT00-2*, Tariff Application at 1.

<sup>5</sup> *GT00-2*, Tariff Application at 2; See also Order No. 15542, rel. September 4, 2009, where the Commission approved the Reconciliation Factor.



billing cycle.<sup>6</sup>

4. The proposed Tariff Application may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's website at [www.dcpssc.org](http://www.dcpssc.org). Copies of the tariff are available upon request, at a per-page reproduction cost.

5. All persons interested in commenting on the proposed tariff must submit written comments to Dorothy Wideman, Commission Secretary, at 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005. Comments must be received no later than thirty (30) days after the date of publication of this NOPR in the *D.C. Register*. Persons who wish to file reply comments may do so no later than forty-five (45) days after the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action. The Commission does not intend to prevent WGL from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, WGL may be subject to reconciliation of the surcharges.

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<sup>6</sup> GT00-2, Tariff Application at 2.